

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,
and

ZUNI INDIAN TRIBE, NAVAJO NATION,

Plaintiffs in Intervention,
v.

A & R PRODUCTIONS, et al.,

Defendants.

No. 01cv00072-BB

ZUNI RIVER BASIN
ADJUDICATION

Subfile No. ZRB-2-0047

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the following Motion for Default Judgment filed by Plaintiffs United States of America (“United States”) and State of New Mexico ex rel. State Engineer (“State”):

September 16, 2011 *Motion for Default Judgment*, Document No.2706

The Court, being fully advised, finds that the Plaintiffs’ motion is well-taken and should be GRANTED. Upon the record, the Court finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. Each defendant named below has been legally served with process or has waived service of summons.
3. Each defendant named below has failed to comply with the applicable procedural and scheduling orders and to appear, answer, or otherwise defend in the

indicated subfile, and is adjudged to be in default.

4. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Subareas 9 10 (October 2005, as amended), prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each defendant named herein have been introduced into the record and the same are hereby incorporated as the evidentiary basis of the water rights described in the order.

5. The water rights of each defendant named below in the above-styled and captioned civil action are as follows:

**JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN
TRUSTEE FOR TRIBAL TRUST**

Subfile No. ZRB-2-0047

STOCK POND

Map Label: 10C-3-SP10
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 8,618
Storage Impoundment Volume (ac-ft): 0.356

Pond Location: As shown on Hydrographic Survey Map 10C-3

S. 1 T. 06N R. 17W 1/4, 1/16, 1/64: NE SE NW
X(ft): 2,500,176 **Y(ft):** 1,376,474

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-3-SP13

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 6,559

Storage Impoundment Volume (ac-ft): 0.181

Pond Location: As shown on Hydrographic Survey Map 10C-3

S. 11 T. 06N R. 17W 1/4, 1/16, 1/64: SW NW SE

X(ft): 2,491,155 **Y(ft):** 1,368,939

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-3-SP18

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1972

Source of Water: Well

Point of Diversion: Fills from well 10C-3-W05 (Location X(ft): 2,497,299; Y(ft): 1,362,837);

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 4,289

Storage Impoundment Volume (ac-ft): 0.177

Pond Location: As shown on Hydrographic Survey Map 10C-3

S. 13 **T.** 06N **R.** 17W **1/4, 1/16, 1/64:** SW SE NW

X(ft): 2,497,200 **Y(ft):** 1,362,925

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-3-SP19

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 636

Storage Impoundment Volume (ac-ft): 0.026

Pond Location: As shown on Hydrographic Survey Map 10C-3

S. 13 **T.** 06N **R.** 17W **1/4, 1/16, 1/64:** SW SE NW

X(ft): 2,497,405 **Y(ft):** 1,362,778

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-4-SP05
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 1,935
Storage Impoundment Volume (ac-ft): 0.053

Pond Location: As shown on Hydrographic Survey Map 10C-4

S. 24 **T.** 06N **R.** 17W **1/4, 1/16, 1/64:** SE SE NW

X(ft): 2,499,998 **Y(ft):** 1,357,680

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-4-SP10
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 20,177
Storage Impoundment Volume (ac-ft): 1.112

Pond Location: As shown on Hydrographic Survey Map 10C-4

S. 25 T. 06N R. 17W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,498,137 Y(ft): 1,356,323

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

WELL

Map Label: 10C-3-W04

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 10C-3

S. 11 T. 06N R. 17W 1/4, 1/16, 1/64: NE NW SW

X (ft): 2,493,611 Y (ft): 1,371,645

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water: 1.367 ac-ft per annum

WELL

Map Label: 10C-3-W05

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 10C-3

S. 13 T. 06N R. 17W 1/4, 1/16, 1/64: SW SE NW

X (ft): 2,497,299 Y (ft): 1,362,837

New Mexico State Plane Coordinate System, West Zone, NAD 1983

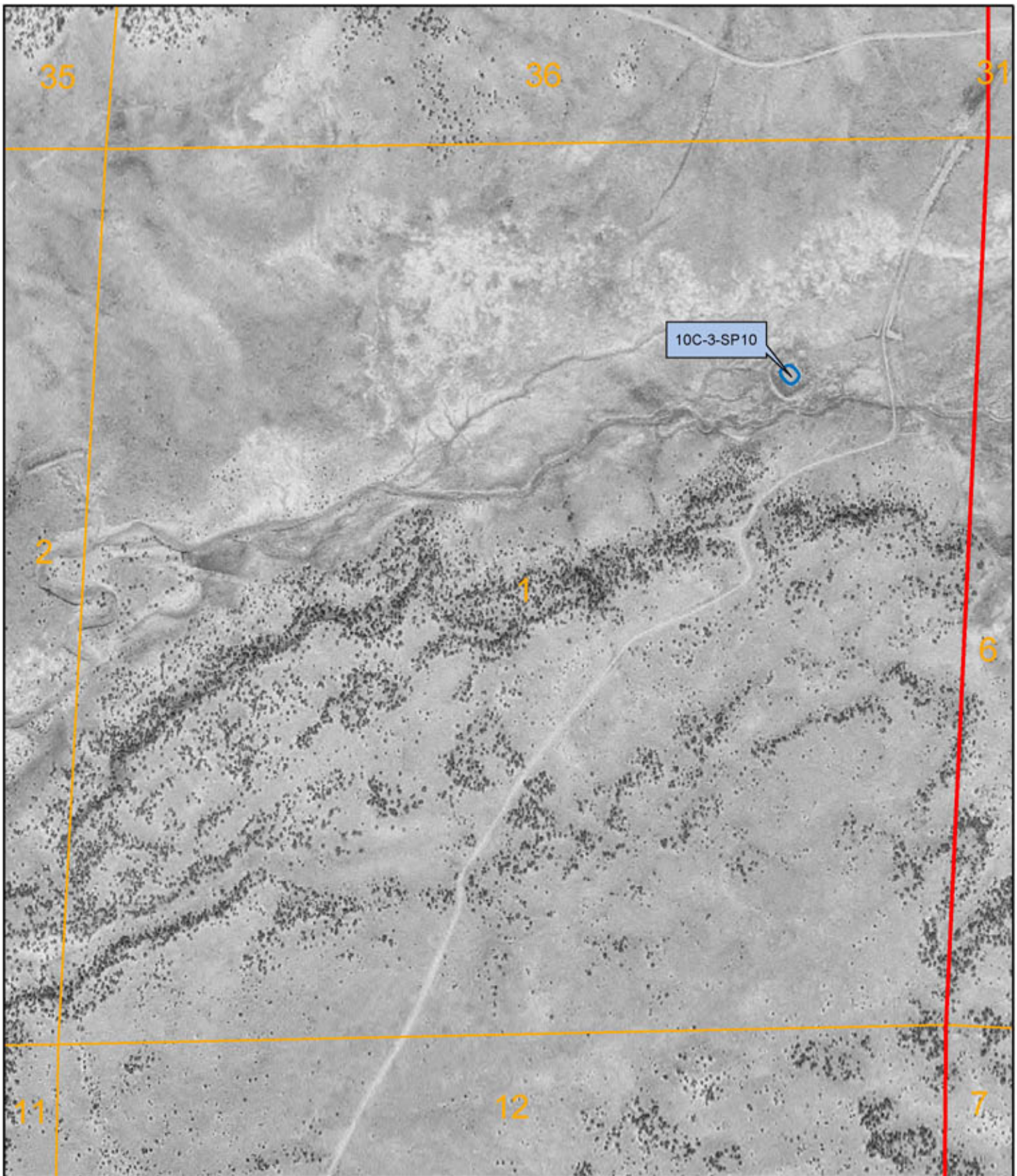
Amount of Water: 1.367 ac-ft per annum

WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the water rights of each defendant named above are as set forth herein, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that each defendant named herein, and his or her successors, representatives, heirs and assigns, are HEREBY ENJOINED from any diversion or use of the waters of the Zuni River Stream System, except in strict accordance with this order or other orders of this Court in this civil action.

A handwritten signature in black ink, appearing to read "Bruce D. Black", followed by a horizontal line.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE



LEGEND

- Well
- Town
- Stock Pond
- Sub-Area Boundary
- Section Boundary



1 inch equals 800 feet

A horizontal scale bar with markings for 0, 250, and 500 feet. The word 'Feet' is centered below the bar.

Zuni River Basin
Hydrographic Survey



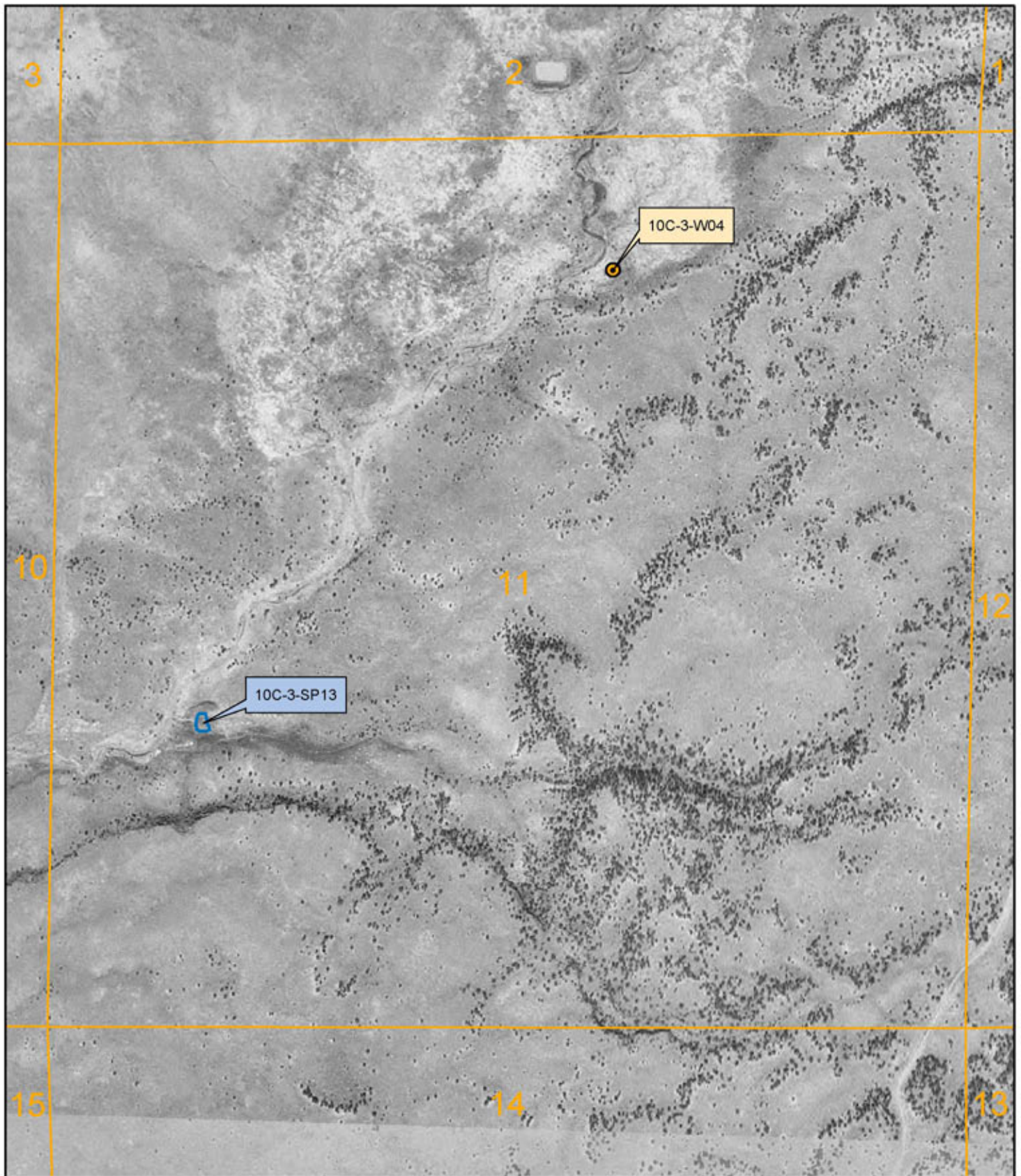
Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA






Project Manager: L. Niel Allen, P.E., Ph.D.

Sub-Area 10
Subfile Number: ZRB-2-0047
PLSS: S01, T06N, R17W
Sheet 1 of 5

October 2005



LEGEND

-  Well
-  Town
-  Stock Pond
-  Sub-Area Boundary
-  Section Boundary



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey



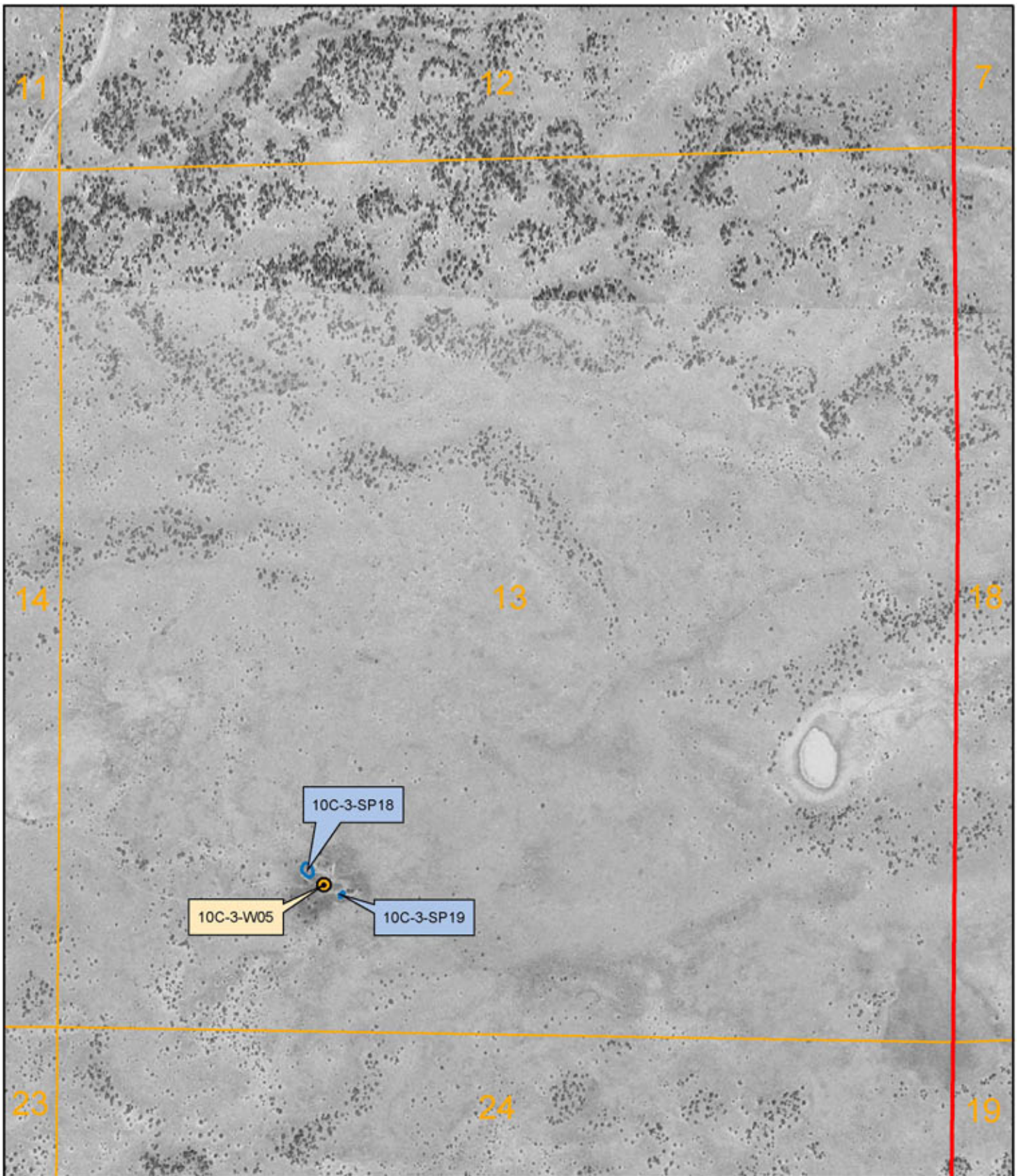
Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.

Sub-Area 10
Subfile Number: ZRB-2-0047
PLSS: S11, T06N, R17W
Sheet 2 of 5

October 2005



LEGEND

- Well
- Town
- Stock Pond
- Sub-Area Boundary
- Section Boundary



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey



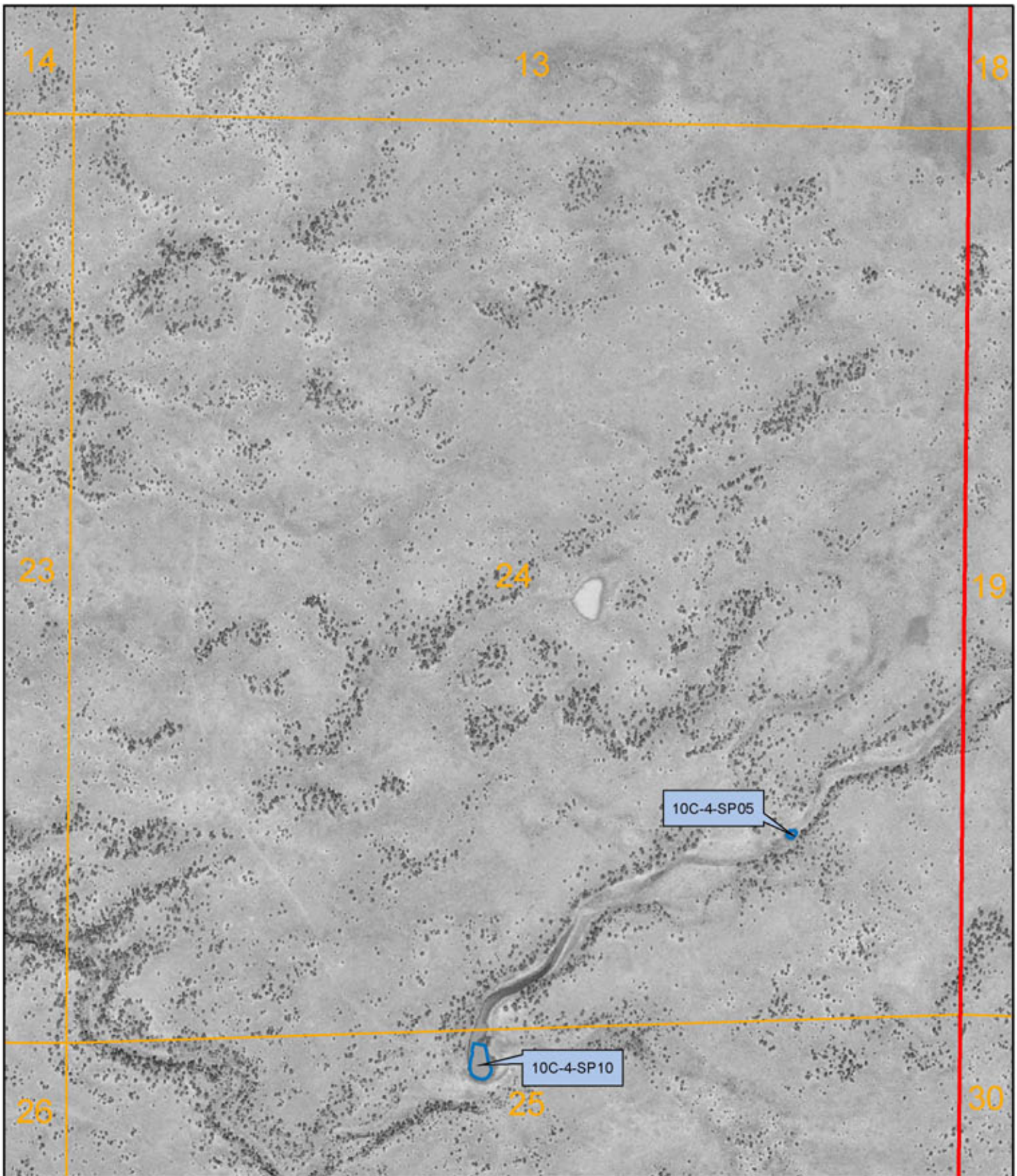
Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.

Sub-Area 10
Subfile Number: ZRB-2-0047
PLSS: S13, T06N, R17W
Sheet 3 of 5

October 2005



LEGEND

- Well
- Town
- Stock Pond
- Sub-Area Boundary
- Section Boundary



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey



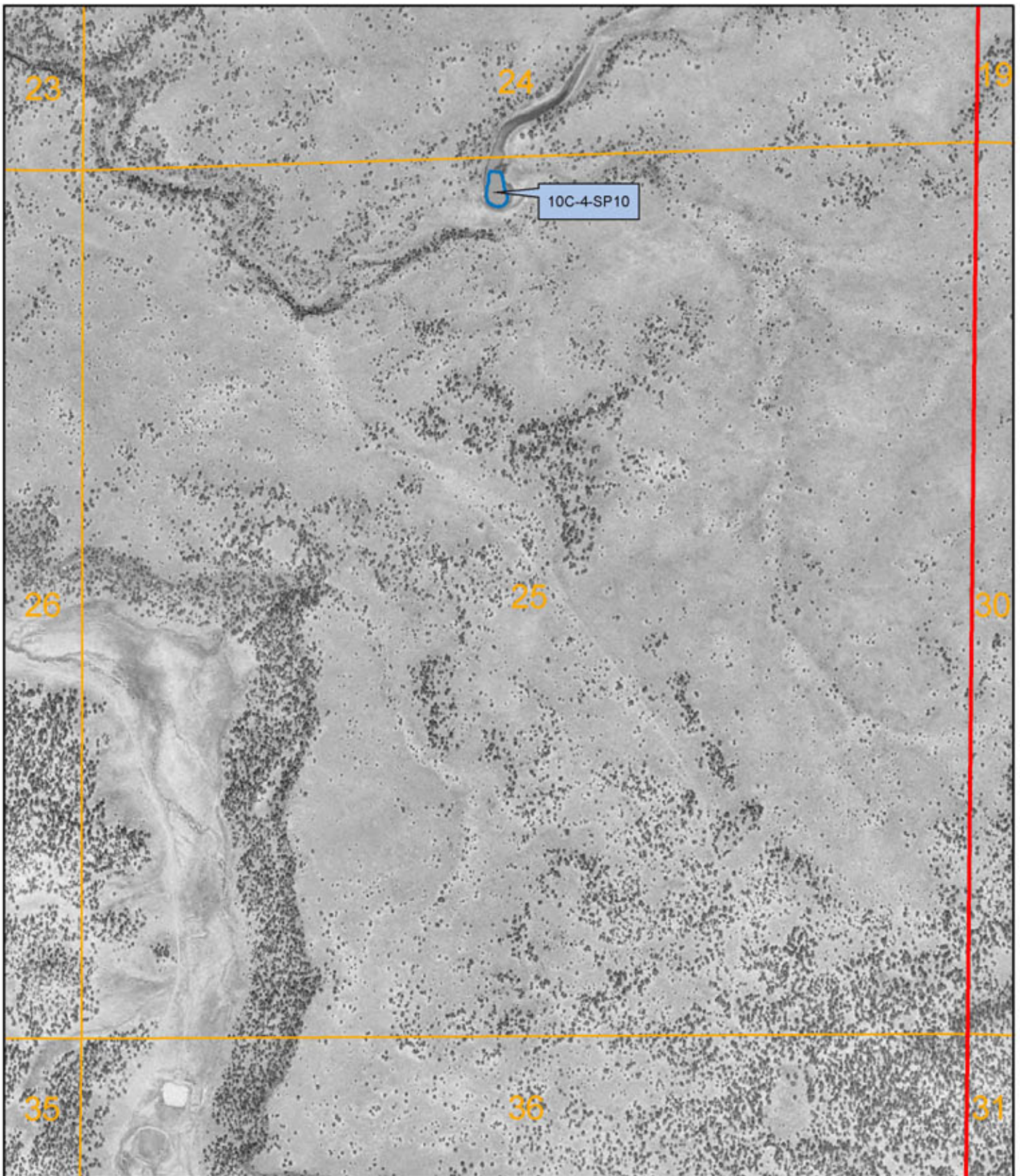
Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.

Sub-Area 10
Subfile Number: ZRB-2-0047
PLSS: S24, T06N, R17W
Sheet 4 of 5

October 2005



LEGEND

- Well
- Town
- Stock Pond
- Sub-Area Boundary
- Section Boundary



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 10
Subfile Number: ZRB-2-0047
PLSS: S25, T06N, R17W
Sheet 5 of 5

October 2005



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.